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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

BK Case No.: 12-28149
ADV Case No.:

In Re:

Tamara Hope

Plaintiff

COMPLAINT FOR DISCHARGE OF
STUDENT LOAN DEBT
PURSUANT TO 11 U.S.C. 523(a)(8)

US Department of Education, New Jersey Higher
Education Student Assistant Authority a/k/a
NJHESAA, Higher Education Student Assistance
Authority a/k/a HESAA, New Jersey Higher
Education.

Defendants

The plaintiff TAMARA HOPE (hereinafter the “plaintiff”) by her attorneys Law Offices of Michelle Labayen PC, as and for her complaint against the defendants US Department of Education, New Jersey Higher Education Student Assistant Authority (hereinafter “NJHESAA”), Higher Education Student Assistance Authority (hereinafter “HESAA”) and New Jersey Higher Education (hereinafter “defendants) alleges as follows upon information and belief:

PRELIMINARY STATEMENT

1. This is an action for determination of the dischargeability of the Plaintiff’s Student loans to the above listed defendants.
2. The Plaintiff filed for Chapter 7 relief on July 21, 2012 in order to have her unsecured debt discharged with the hope of making her student loan payments affordable.

3. The Plaintiff cannot afford to make payments of \$500.00 a month and maintain her ordinary and necessary expenses for herself and her children. Upon information and belief a lower monthly payment offer made by the Plaintiff to the Defendants was rejected.
4. The Defendants garnished the Plaintiff which forced a monthly shortage towards her rent. A complaint was eventually filed by her landlord for eviction *See.* (Superior Court of New Jersey Essex County, Landlord Tenant Docket no.: 18683-12, *B.M Investment Group v. Tamara Hope*).
5. The Plaintiff is raising two children (ages five (5) and eight (8) on her own while working full time.
6. The Plaintiff does not dispute that she requested and received the loans from HESSA (4186) in the amount of \$62,207.00, NJHESSA and US Department of Education loan (0859) in the amount of \$85,509.00 guaranteed in whole or in part by the United States Department of Education. The Plaintiff attempted to make payments at the expense of her ordinary and necessary expenses.
7. The obligations listed in paragraph 7 are made under a program funded in whole or in part by a government unit.
8. Plaintiff is informed and believes that accepting the obligations set forth in paragraph 7 will impose an undue hardship on the Plaintiff and the dependents of the Plaintiff.
9. As a result of the obligations set forth in paragraph 6 above, Plaintiff owes Defendants approximately \$147,716.00 dollars.

JURISDICTION AND VENUE

10. This Court has jurisdiction over this proceeding pursuant to 11 U.S.C §§1334 (b), 11 U.S.C § 523(a) (8) and Federal Rule of Bankruptcy Procedure 7001(6); This is a core

proceeding under 28 U.S.C §157 (b) (2) (1). Venue is properly laid pursuant to 28 U.S.C §1409(a).

PARTIES

11. The plaintiff is an adult resident of the State of New Jersey, County of Essex.
12. HESSA is a provider of student loans and duly authorized and qualified to do business in the state of New Jersey with its primary place of location at 4 Quaker Plaza, P.O .Box 540 Trenton, NJ 08624.
13. NJHESSA is incorporated in the State of New Jersey as a nonprofit secondary student loan provider with its primary mailing address at P.O. Box 548 Trenton, NJ 08625.
14. New Jersey Higher Education is incorporated in the State of New Jersey as a nonprofit secondary student loan provider with its primary location at 20 West State Street, 4th floor, Trenton, NJ 08625.
15. US Department of Education located at 400 Maryland Avenue SW Washington DC 2020.

FACTUAL BACKGROUND

16. The Plaintiff filed for Chapter 7 relief on July 21, 2012. ECF No.: 1
17. The Plaintiff provided notice to all creditors and of importance to the defendants listed above.
18. The Plaintiff appeared at the 341 meeting, and the hearing was closed with the trustee filing a Notice of Abandonment.
19. The Plaintiff meets the Burdens as outline by the *Brenner Test* in that (1) student loan as specified by (2) attempts to make payments in good faith (3) undue hardship would be imposed upon the debtor.

WHEREFORE, Plaintiff respectfully request that the Court determine that Plaintiff's obligations and debts to Defendants, including but not limited to, the amounts listed above and all appropriate interest, costs and attorneys fees are discharged pursuant to 11 U.S.C 523 (a)(8) and for such other relief that the court deems just.

May 6, 2013
Newark, NJ

By: /s/ Michelle Labayen
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